



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Report No. TEL-00775NS

Wednesday March 31, 2004

NON STREAMLINED INTERNATIONAL APPLICATIONS ACCEPTED FOR FILING

Section 214 Applications (47 C.F.R. § 63.18); Cable Landing License Applications (47 C.F.R. § 1.767); Authorize Switched Services over Private Lines (47 C.F.R. § 63.16) and Section 310(b)(4)

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing. These applications are not subject to the streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12. These applications shall not be deemed granted until the Commission affirmatively acts upon the application, either by public notice or by written order. Operation for which authorization is sought may not commence except in accordance with any terms or conditions imposed by the Commission.

Unless otherwise specified, interested parties may file comments with respect to these applications within 28 days of the date of this public notice. We request that such comments refer to the application file number shown below. Ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206.

Copies of all applications listed here are available for public inspection in the FCC Office of Public Affairs Reference and Information Center, located in room CY-A257 at the Portals 2 building, 445 12th Street SW, Washington DC 20554. The center can be contacted at (202) 418-0270. All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

Petition for Declaratory Ruling

Iowa Wireless Services Holding Corporation ("Iowa Wireless" or "Petitioner") requests that the Commission find permissible the indirect foreign ownership of Iowa Wireless in excess of the 38 percent interest previously authorized under Section 310(b)(4) of the Communications Act of 1934, as amended. Specifically, Iowa Wireless requests a declaratory ruling approving an increase in the level of indirect foreign ownership in Iowa Wireless by Deutsche Telekom AG ("DT") from 38 percent to 60 percent. This request is filed in connection with an application seeking Commission approval for the transfer of control of Iowa Wireless from Iowa Wireless Services, LP ("IWS-LP") to Iowa Wireless Services, LLC ("IWS-LLC"). See File No. 0001615174.

The Petitioner states that IWS-LP and certain lenders entered into an Amended and Restated Credit Agreement ("ARC Agreement") that will enable Iowa Wireless, a U.S. corporation, and its parent company to avoid defaulting on an existing debt. Under the ARC Agreement, IWS-LP will be converted from a limited partnership into IWS-LLC, a limited liability company. Thus, under the proposed transaction, Iowa Wireless will be wholly owned by IWS-LLC, a U.S. company, with ownership as follows: (1) INS Wireless, Inc, a U.S. corporation (62 percent interest), and (2) VoiceStream PCS I Iowa Corporation ("VoiceStream PCS I"), a U.S. corporation (38 percent interest). VoiceStream PCS I is ultimately owned by DT, a corporation organized under the laws of the Federal Republic of Germany, a World Trade Organization Member.

The Petitioner states that pursuant to the provisions contained in the ARC Agreement, DT's indirect ownership interest in Iowa Wireless may exceed the 38 percent foreign ownership cap previously established by the Commission and approach 60 percent over time. Accordingly, the Petitioner requests a declaratory ruling that the Commission approve an increase in the level of indirect foreign ownership in Iowa Wireless from 38 percent to 60 percent. The Petitioner further requests that the Commission condition grant of this petition on compliance with the provisions of a January 12, 2001 agreement between DT and the Department of Justice and the Federal Bureau of Investigation. The Petitioner asserts that, pursuant to the rules and policies established in the Commission's Foreign Participation Order, 12 FCC Rcd 18158 (2000), the indirect foreign ownership in Iowa Wireless is consistent with the public interest.

Interested parties may file comments by April 14, 2004, and reply comments by April 21, 2004. For further information contact Francis Gutierrez at 202-418-1460.

REMINDER:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 C.F.R. §§ 1.2001–.2003.

The Commission most recently amended its rules applicable to international telecommunications common carriers in IB Docket No. 98-118, Review of International Common Carrier Regulations, FCC 99-51, released March 23, 1999, 64 Fed. Reg. 19,057 (Apr. 19, 1999). An updated version of Section 63.09-.24 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/td/pf/telecomrules.html>.